



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Application No. 09/746,438

Group Art Unit: 2155

Applicant(s): Thomasson, et al.

Examiner: Tran, Philip B.

Filing Date: December 20, 2000

Docket No. 90897-010200

Title: METHOD AND SYSTEM FOR
ASYMMETRIC SATELLITE
COMMUNICATIONS FOR LOCAL AREA
NETWORKS

Customer No. 33717

CERTIFICATE OF MAILING UNDER 37 CFR 1.8

Date of Mailing: May 15, 2006

I hereby certify that this correspondence and identified enclosures are being deposited with the United States Postal Service, first class mail, postage prepaid, under 37 CFR 1.8 on the date indicated, and addressed to MAIL STOP: AMENDMENT, Commissioner for Patents, Post Office Box 1450, Alexandria, Virginia 22313-1450.

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MAIL STOP: AMENDMENT
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RESPONSE TO OFFICE ACTION
AND
DECLARATION UNDER 37 C.F.R. § 1.131

Dear Sir:

This response and Declaration of Prior Invention by the Inventors Pursuant to 37 C.F.R. § 1.131 are filed in response to the Office Action mailed on December 15, 2005. Filed concurrently herewith is a *Request for a Two-Month Extension of Time* which extends the shortened statutory period for response to expire on May 15, 2006. Accordingly, Applicants respectfully submit that this response is being timely filed.

Claims 41-71 were pending in the present application, where the Office Action rejected claims 41-71 under 35 U.S.C. §103(a) as being obvious over U.S. Patent Application Publication No. 2004/0076123 to *Maegawa* in view the text book "How Computers Work" by *White*. Reconsideration of the application in view of the Declaration and remarks presented herewith is respectfully requested.

Initially, it is noted that Applicants respectfully disagree with the analysis of the claims of the present application with respect to the *Maegawa* and *White* references in the Office Action. Nevertheless, in order to expedite prosecution of the application, Applicants submit herewith a Declaration of Prior Invention Pursuant to 37 C.F.R. § 1.131 from the inventors of the present application to “swear behind” the *Maegawa* reference.

The *Maegawa* reference is a patent application based on a series of continuation patent applications that ultimately claim priority to U.S. Patent Application Serial No. 08/811,472 filed in the United States on March 4, 1997. Applicants’ present application is a continuation of an application that was filed October 3, 1997 and was based on an earlier date of invention. Applicants respectfully submit herewith a Declaration of Prior Invention Pursuant to 37 C.F.R. § 1.131 that has been executed by both of the inventors, Myron Mosbarger and John Thomasson, establishing a date of invention prior to March 4, 1997. In view of this date of invention by the Applicants prior to the *Maegawa* filing date, the *Maegawa* reference and the rejections based thereon should be withdrawn.

Annexed to the Declaration as Exhibit 1 is a document prepared by the Applicants prior to March 4, 1997 entitled, “Satellite-based Internet Access and Data Delivery to Local Area Networks: DirecPC Network Edition.” The document in Exhibit 1 shows and describes a server based application that provides an Internet gateway for multiple client computers on a Local Area Network (LAN), where information from an ISP is beamed up to a satellite and sent back down to a satellite dish and then into a server. The server then routes the downloaded data out over the LAN to the client computers connected to the LAN. It can be seen that Figure 1 from Exhibit 1 illustrates the major components of the communication system and is the same figure that appears as Figure 1 of the present application.

Exhibit 2 annexed to the Declaration contains selected portions from a document prepared by Applicants prior to March 4, 1997 entitled, “DirecPC™ for NetWare® Installation Guide, Netware Server Windows Client, Version 1.10.” Exhibit 2 shows and describes a way of providing high speed Internet access and data transfer to multiple users across a LAN using satellite transmissions to download data through a satellite dish connected to a DirecPC™ for NetWare® (DPCN)-enabled server. The DPCN server makes it possible for any number of users

to receive Internet and package data deliveries at their client computers on the LAN using a single satellite dish connected to the DPCN server. Exhibit 2 shows and describes that DPCN software includes the following software modules: DPC.LAN, AIO, AIOCOMX, DPCAGENT, DPCSERV, IPX, TCPIP. Exhibit 2 further shows and describes the use of a DPC ISA card as an interface between the satellite antenna and server and further the use of a modem or alternate connection to directly route data to the Internet. These components and software modules are illustrated in Figure 2 of the present application as an embodiment of the software architecture.

Exhibit 2 further shows and describes various screen shots illustrating the user interface of the DPCN software that was developed prior to March 4, 1997. It can be seen that these screen shots are substantially identical to respective screen shots appearing in Figures 10a-l of the present application.

Exhibit 3 annexed to the Declaration contains first and last pages of source code that Applicants prepared for implementing the methods recited in the pending claims 41-71 of the present application prior to March 4, 1997. The Applicants submitted a version of this source code to the U.S. Patent Office when filing the parent application, U.S. Patent Application Serial No. 08/943,544.

The showing and descriptions in Exhibits 1, 2 and 3 establish that the invention embodied in the claims 41-71 of the present application were conceived and reduced to practice in the United States by the Applicants prior to the March 4, 1997 filing date of the *Maegawa* reference.

Applicant respectfully submits that in view of the showing in the Declaration of a date of invention prior to March 4, 1997, *Maegawa* is no longer an effective reference. Accordingly, all rejections should be withdrawn as the Examiner relies on *Maegawa* as the principal reference. Applicants respectfully request withdrawal of the rejections and allowance of claims 41-71.

Applicant has addressed all of the issues raised by the Examiner. Accordingly, the Examiner is respectfully requested to reconsider the application and accompanying Declaration at an early date with a view towards issuing a favorable action thereon. If upon review of the application, the Examiner is unable to issue an immediate Notice of Allowance, the Examiner is

respectfully requested to telephone the undersigned attorney with a view towards resolving the outstanding issues. Early and favorable action is earnestly solicited.

The Commissioner is directed and authorized to charge all additional required fees, except for the Issue Fee and the Publication Fee, to Deposit Account No. 50-2638. Please also credit any overpayments to said Deposit Account.

Respectfully submitted,



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Date: May 15, 2006

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